

REMARKS

Claims 1-8 were examined and reported in the Office Action. Claims 1-4 and 6-8 are rejected. Claim 5 is canceled. Claims 1 and 6 are amended. Claims 1-8 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 102(b)

A. It is asserted in the Office Action that claims 1 and 6-8 are rejected under 35 U.S.C. § 102(b), as being anticipated by Sim (KR 2002024876A). Applicant respectfully traverses the aforementioned rejection for the following reasons.

It is asserted in the Office Action that claim 5 would be allowable if rewritten in independent form. Applicant has amended claims 1 and 6 to include the limitations of claim 5. Therefore, the aforementioned rejection is moot as claims 1 and 6 are now placed in allowable form. Additionally, the claims that depend on amended claim 6, namely claims 7-8, are also allowable for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection for claims 1 and 6-8 is respectfully requested.

B. It is asserted in the Office Action that claims 6-8 are rejected under 35 U.S.C. § 102(b), as being anticipated by "*An Overview of Smart Antenna Technology for Mobile Communications Systems*", by Lehne et al. (IEEE Communications Surveys, Vol. 2(4), p. 2-13, 1999) ("Lehne"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

It is asserted in the Office Action that claim 5 would be allowable if rewritten in independent form. As mentioned above, Applicant has amended claim 6 to include the limitations of claim 5. Therefore, the aforementioned rejection is moot as claim 6 is now placed in allowable form. Additionally, the claims that depend on amended claim 6, namely claims 7-8, are also allowable for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejection for claims 6-8 is respectfully requested.

II. 35 U.S.C. § 103(a)

A. It is asserted in the Office Action that claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sim (KR 2002024876A), as applied to claim 1, in further view of either U.S. Patent Application Publication US2004/0038714 to Rhodes ("Rhodes") or U.S. Patent Application Publication US2004/0160361 to Izzat et al ("Izzat"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

As asserted above, it is asserted in the Office Action that claim 5 would be allowable if rewritten in independent form. Applicant has amended claim 1 to include the limitations of claim 5. Therefore, the aforementioned rejection is moot as claim 1 is now placed in allowable form. Additionally, the claim that depends on amended claim 1, namely claim 2, is also allowable for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 2 is respectfully requested.

B. It is asserted in the Office Action that claims 3-4 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Sim as applied to claim 1, in further view of IDS document Cranor. Applicant respectfully traverses the aforementioned rejection for the following reasons.

Claims 3-4 depend on amended claim 1. As asserted above, since claim 1 is now placed in allowable form, the dependent claims of claim 1 are also allowable for the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claims 3-4 is respectfully requested.

C. It is asserted in the Office Action that claims 1 and 6-8 are rejected under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent Application Publication US2004/0120285 to Paila et al. ("Paila"), as applied to claims 1 and 6-8 above. Applicant respectfully traverses the aforementioned rejection for the following reasons.

As asserted above, Applicant has amended claims 1 and 6 to include the limitations of claim 5, which are deemed allowable as asserted in the Office Action. Therefore, the aforementioned rejection is moot as claims 1 and 6 are now placed in allowable form. Additionally, the claims that depend on amended claim 6, namely claims 7-8, are also allowable for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claims 1 and 6-8 is respectfully requested.

D. It is asserted in the Office Action that claim 2 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Paila in view of either Rhodes or Izzat, as applied to claim 2 above. Applicant respectfully traverses the aforementioned rejection for the following reasons.

As asserted above, Applicant has amended claim 1 to include the limitations of claim 5. Therefore, the aforementioned rejection is moot as claim 1 is now placed in allowable form. Additionally, the claim that depends on amended claim 1, namely claim 2, is also allowable for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 2 is respectfully requested.

E. It is asserted in the Office Action that claims 3-4 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Paila in view of Sim and Cranor, as applied to claims 3-4 above. Applicant respectfully traverses the aforementioned rejection for the following reasons.

Claims 3-4 depend on amended claim 1. As asserted above, since claim 1 is now placed in allowable form, the dependent claims of claim 1 are also allowable for the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claims 3-4 is respectfully requested.

IV. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 1 and 6 to include the limitations of claim 5.

Applicant respectfully asserts that claims 1-4 and 5-8, as they now stand, are allowable for the reasons given above.

CONCLUSION


In view of the foregoing, it is submitted that claims 1-4 and 5-8 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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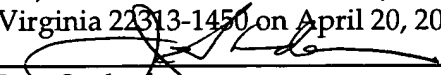
Dated: April 20, 2005

By: 
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on April 20, 2005.


Jean Svoboda